

ORDINANCE NO. _____

An ordinance amending Title 21—Subdivisions—and Title 22—Planning and Zoning—of the Los Angeles County Code establishing procedures for individuals with disabilities to request reasonable accommodations from planning and land use regulations to obtain equal opportunity to use and enjoy a residential use.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 21.52.010 is hereby amended as follows:

21.52.010 Modification or waiver of provisions authorized when.

...

D. The director or the advisory agency may make modifications to regulations contained in this Title 21 pertaining to the granting of a reasonable accommodation, as provided for in Title 22.

SECTION 2. Section 22.08.040 is hereby amended to read as follows:

22.08.040 D.

...

~~“Disability” means a condition which renders an individual unable to engage in normal activities by reason of a medically determinable physical or mental impairment which can be expected to last for not less than 12 months.~~

SECTION 3. Part 19 of Chapter 22.56 is hereby added to read as follows:

Part 19 REQUESTS FOR REASONABLE ACCOMMODATION

22.56.3000 Purpose.

22.56.3010 Applicability.

22.56.3020 Definitions.

22.56.3030 Application.

22.56.3040 Findings.

22.56.3050 Commission review where concurrent.

22.56.3060 Notice of determination.

22.56.3070 Recordation.

22.56.3080 Appeals.

22.56.3000 Purpose.

The purpose is to provide a procedure for individuals with disabilities to request reasonable accommodation, as provided by the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (the Acts), as those regulations are amended from time to time.

22.56.3010 Applicability.

The provisions of this Part 19 shall apply to all regulations, policies, procedures and standards, regulated by the Department of Regional Planning of the County of Los Angeles.

22.56.3020 Definitions.

"The Acts" means the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, as those regulations are amended from time to time.

"Individual with a disability" as defined in California Government Code Sections 12900-12996 and the regulations promulgated thereunder.

"Reasonable accommodation" is a waiver or modification to regulations, policies, procedures and standards that may be reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a residential use.

"Residential use" means any dwelling as defined by 42 U.S.C. 3602-~~Sec. 802~~ (b), as may be amended from time to time.

22.56.3030 Application—Filing.

A. Any individual with a disability, ~~or~~ someone acting on his or her behalf, or a provider or developer of housing for individuals with disabilities, desiring to obtain accommodation in accordance with this Part 19 shall file an application with the director.

B. A request for accommodation shall contain the following information:

1. Name and address of the applicant and of all persons owning any or all of the subject property.

2. Evidence that the applicant is one of the following:

1 a. Is the owner of the subject property, or
2 b. Has the written permission of the owner or owners to make such
3 request.

4 3. Location of the subject property, including address (or vicinity) and Assessor's
5 parcel number(s).

6 4. Legal description of the subject property.

7 5. Description of the current use of the property.

8 6. The specific regulations, policies, procedures and/or standards that are
9 requested to be waived or modified.

10 7. A statement ~~en~~setting forth the basis ~~of~~ for the request, including verifiable
11 documentation of disability status.

12 C. The director may request additional information as necessary that complies with the
13 Acts and the privacy rights of the individual with a disability.

14
15 **22.56.3040 Findings.**

16 A. The director shall grant a request for accommodation where **all of the following are**
17 **established:**

18 1. The accommodation requested is intended to be used by an individual with a
19 disability who resides or will reside on the property;

20 2. The requested accommodation is necessary to afford an individual with a
21 disability equal opportunity to use and enjoy a residential use;

22 3. The requested accommodation will not impose an undue financial or
23 administrative burden on the County; and

24 4. The requested accommodation will not require a fundamental alteration in the
25 nature of the land use and zoning program of the County.

26 B. An accommodation is granted to an individual and shall not run with the land unless
27 the director finds that the modification is physically integrated on the property and cannot
28 feasibly be removed or altered.

29
30 **22.56.3050 Hearing officer or commission review where concurrent.**

31 When a request for accommodation is filed in conjunction with a permit, variance or any
32 other discretionary land use action as provided by Title 21 and/or Title 22, the hearing officer or
33 commission shall grant a request for a reasonable accommodation concurrently with such

1 permit, variance or other discretionary land use action in accordance with the required findings
2 pursuant to 22.56.3040.

3
4 **22.56.3060 Notice of determination.**

5 A. The director, hearing officer or commission shall notify the applicant of the action
6 taken on a request for accommodation.

7 1. Notices of determination not considered pursuant to 22.56.3050 shall be
8 issued within 30 days of the date the application is deemed complete.

9 B. A copy of the notice of determination shall be provided to abutting owners of subject
10 the property.

11 C. The notice of determination shall give notice of the right to appeal, as set forth in
12 Section 22.56.30703080.

13
14 **22.56.3070 Recordation.**

15 A. The applicant shall record the findings of the grant in the office of the county
16 recorder.

17
18 **22.56.3080 Appeals.**

19 A. An appeal shall be made in writing, pursuant to the procedures established in Part 5
20 of 22.60.

21 B. All determinations on the appeal shall address and be based upon the same findings
22 required in accordance with 22.56.3040.

23 C. Decisions on an appeal shall be effective on the date of decision and no further
24 administrative appeals may be heard, except when provided by 22.56.3050.

25
26
27
28